

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Brenda Spires,)	C/A No. 3:05-966-CMC
)	CR. No. 3:04-578
Petitioner,)	
)	OPINION AND ORDER
v.)	
)	
United States of America,)	
)	
Respondent.)	
_____)	

Petitioner, a federal inmate proceeding *pro se*, seeks relief pursuant to 28 U.S.C. § 2255. Petitioner challenges her sentence based upon the Supreme Court's decision in *Blakely v. Washington*, 542 U.S. 296 (2004), as applied to the federal sentencing guidelines in *United States v. Booker*, 543 U.S. ____, 125 S. Ct. 738 (2005). The Government filed a response and a motion for summary judgment on July 22, 2005. The court advised Petitioner of the summary judgment procedure and the consequences if she failed to respond to the motion for summary judgment. Petitioner has failed to respond to the motion and the time for doing so has expired.

The court has reviewed the complete record in this case. For the reasons stated in the Government's response, which this court finds to be correct and adopts as its findings, the court grants the Government's motion for summary judgment as to Petitioner's claim for relief.

IT IS THEREFORE ORDERED that the Government's Motion for Summary Judgment is **GRANTED**. The Petition under 28 U.S.C. § 2255 is *dismissed with prejudice*.

IT IS SO ORDERED.

Columbia, South Carolina
September 12, 2005

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

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